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### REMARKS

Claims 308, 320, 332, 341 and 353-356 have been amended to clarify the specificity of the claimed antibody or antigen-binding fragment. Claims 151-153, 155-165, 167-175, 177-185, 187-194, 196-220, 246, 248-257, 259-266 and 292-356 are pending. Claims 151-153, 155-165, 167-175, 177-185, 187-194, 196-220, 246, 248-257, 259-266 and 292-307 are allowed.

Support for the amendments to Claims 308, 320, 332, 341 and 353-356 is found throughout the application as originally filed. For example, Applicants teach that the antibodies and antigen-binding fragments of the invention can be used to detect CCR3 expressed on cells or to sort cells using flow cytometry or fluorescence activated cell sorting (FACS). (Specification at page 41, lines 9-16.) Applicants describe the results of FACS studies in which antibodies were used to detect expression of CCR3 on the surface of intact transfected cells and primary human cells, including transfected insect cells and human eosinophils, peripheral blood lymphocytes, monocytes, neutrophils, activated T cells and basophils. (Specification at page 93, line 5 through page 94, line 29; page 98, lines 1-14; and page 126, line 17 through page 128, line 12.)

### Examiner Interview

The undersigned thanks the Examiner for conducting a telephonic interview on August 9, 2004. Claim 308 was discussed. The Examiner explained that claims that recited that the antibody or antigen-binding fragment binds a C-C chemokine receptor 3 protein that is expressed on an intact cell or whole cell would be allowable.

### Rejections Under 35 U.S.C. § 102

- a) Claims 308-310, 313-315, 317-322, 325-327, 329-336, 338-343, 345-347 and 349-356 are rejected under 35 U.S.C. § 102(a) as being anticipated by WO 94/11504 (Horuk *et al.*).
- b) Claims 308-312, 314, 315, 317-324, 326, 327, 329-336, 338-344, 346, 347, 349-353 and 355 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,707,815 (Charo *et al.*)

In maintaining the rejections, the Examiner states that the claims do not recite that the antibody or antigen-binding fragment binds a receptor that is actually in the cell membrane on the surface of a cell. (Office Action at page 3 and page 4.)

Independent Claims 308, 320, 332, 341 and 353-356 have been amended to recite the phrase "wherein said antibody or antigen-binding fragment binds a C-C chemokine receptor 3

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protein that is expressed on the surface of an intact cell." Reconsideration and withdrawal of the rejections are requested.

Rejections Under 35 U.S.C. § 103

- a) Claims 308-311, 315-320, 326-332, 335-341 and 346-356 are rejected under 35 U.S.C. § 103(a) as being obvious over WO 94/11504 (Horuk *et al.*) in view of U.S. Patent No. 5,530,101 (Queen *et al.*).
- b) Claims 308-311, 315-320, 326-332, 335-341 and 346-356 are also rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,707,815 (Charo *et al.*) in view of U.S. Patent No. 5,530,101 (Queen *et al.*).

In maintaining the rejections, the Examiner states that the claims do not recite that the antibody or antigen-binding fragment binds a receptor that is actually in the cell membrane on the surface of a cell. (Office Action at page 6 and page 8.)

Independent Claims 308, 320, 332, 341 and 353-356 have been amended to recite the phrase "wherein said antibody or antigen-binding fragment binds a C-C chemokine receptor 3 protein that is expressed on the surface of an intact cell." Reconsideration and withdrawal of the rejections are requested.

Information Disclosure Statements

Supplemental Information Disclosure Statements (SIDSs) were filed on April 11, 2003, May 21, 2003 and August 25, 2003. Acknowledgment of consideration of the SIDS and Second SIDS is requested in the next Office Communication.

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CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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